

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 4, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance and at that time, he read resolutions memorializing Stephanie Reinhart and Bessie James. Mayor Pro Tempore Cheek read a resolution honoring Danny Mangum.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested that an item be added to the agenda regarding the Marshall Group Contract; 2) provided memo on capital projects to be funded by debt; 3) noted there is a letter requesting that Consent Item #36 [Neal Farm Zoning] be withdrawn; and 4) asked that Consent Item #21 [Economic Incentives] be deferred to the December 2, 2002 City Council Meeting.

MOTION by Council Member Clement seconded by Council Member Stith to accept the City Manager's priority items was approved at 7:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Relative to the North Carolina League of Municipalities Annual Conference held in Durham, City Manager Conner made a presentation on "Good Things are Happening in Durham", thanked volunteers, sponsors and others for their hard work during this conference and recognized Ellis Hankins with the League who made comments about the overall conference.

There were no priority items from the City Attorney.

City Clerk Gray informed Council of an invalid protest petition filed against GBA Item #30 [Rezoning Case P02-37A – North Carolina Central University Real Estate Foundation, Inc.]

Mayor Bell read a proclamation designating November 11-17, 2002 as Durham Recycles Week.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items #25 [Barnes Avenue], #26 [Division of Community Correction Probation] and #36 [Neal Farm Zoning] were pulled from the Consent Agenda.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council minutes for the following meetings was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

July 25, 2002 – Special meeting
August 12, 2002 – Special meeting
September 12, 2002 – Special meeting
September 26, 2002 – Special meeting
October 7, 2002 - Regular meeting
October 14, 2002 – Special meeting

SUBJECT: WORKFORCE DEVELOPMENT BOARD – RECEIPT AND ACCEPTANCE OF APPLICATIONS

The item regarding the workforce development board - receipt and acceptance of applications and reappointments has been referred back to the City Clerk.

SUBJECT: DURHAM CIVIC CENTER AUTHORITY - RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy. The term will expire July 31, 2005 was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: HOUSING APPEALS BOARD - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for a citizen to fill one (1) vacancy for an ALTERNATE MEMBER to represent the category of LAW (licensed to practice law in North Carolina). The term will expire June 30, 2004 was approved at 7:29 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Shirley A. Price (Non-Minority Member) and Francisco Vargas-Sanchez (Other Racial Group Member) to the Human Relations Commission--terms to expire June 30, 2005 was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ADDITION TO COUNCIL RULES OF PROCEDURE REGARDING LIAISON APPOINTMENTS AND OTHER MATTERS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize amendments to the Council Rules of Procedure regarding liaison appointments and other matters was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BOND ISSUE FOR THE DURHAM HOUSING AUTHORITY - OAKLEY SQUARE PROJECT (1835 CHEEK ROAD) - FAYETTE PLACE PROJECT (625 E. UMSTEAD STREET)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve resolutions to authorize the Mayor to approve the issuance of \$4,400,000 of multifamily housing revenue bonds for the Oakley Square Project and \$7,807,000 of multifamily housing revenue bonds for the Fayette Place Project to be issued by the Housing Authority of the City of Durham was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8924 - 8925

SUBJECT: BIDS – FIRE AND RESCUE LADDER TRUCK - STEVENS FIRE EQUIPMENT, INC. - SUTPHEN CORPORATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept of the bid from Stevens Fire Equipment, Inc., representing the Sutphen Corporation, in the amount of \$784,645 for providing the City with a Fire and Rescue Ladder Truck; and

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To authorize the City Manager to enter into a contract with Stevens Fire Equipment, Inc., representing the Sutphen Corporation, in the amount of \$784,645, for providing the City with a Fire and Rescue Ladder Truck; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS/PIGGYBACK -- ONE 4 X 4 BACKHOE - BRIGGS CONSTRUCTION EQUIPMENT, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Briggs Construction Equipment, Inc., in the amount of \$69,343, for providing the City with one 4 X 4 Backhoe; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS/PIGGYBACK – FRONT-LOADING REFUSE COLLECTION VEHICLES - CAROLINA ENVIRONMENTAL SYSTEMS, INC. -

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Carolina Environmental Systems, Inc., in the amount of \$299,178, for providing the City with two Front Loading Refuse Collection Vehicles; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BID REPORT – AUGUST 2002

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids and items displayed that were acted upon by the City Manager during the month of August 2002 was approved at 7:29 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

September 30, 2002

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Acting Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of August 2002.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Digital Voice Recording System

Purpose of Bid: To provide the 911 Center with a digital voice recording system

Comments:

Opened: June 21, 2002

Bidders:	Communication Recording Solutions, Inc.	* \$39,785.00
	Charlotte, NC	
	Voice Print International, Inc.	\$52,846.88
	Camarillo, CA	
	Audio Data Systems	\$53,975.00
	Charlotte, NC	
	Verizon South, Inc.	\$95,831.00
	RTP, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	0%
Total # Females	1	25%	# White Males	3	75%
Total # Males	3	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	25%
			# Other Females	0	0%

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Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

2. Bid: One (1) Gas Fired Water Heater

Purpose of Bid: To provide the Durham Marriott Hotel/Civic Center with a gas fired water heater

Comments: The Durham Marriott Hotel handled this bid.

Opened: August 1, 2002

Bidders:	Ken Clary & Company	*\$13,059.20
	Atlanta, GA	
	Progressive Plumbing & Piping	\$15,744.96
	Durham, NC	

*Awarded based on: _____ Low Bid **X** Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	2	40%	# White Males	3	60%
Total # Males	3	60%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	40%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: City of Durham Bottled Water

Purpose of Bid: To bottle Durham tap water for distribution at City sponsored events for promotional purposes, for use within City facilities as a substitute for tap water and for disaster relief as needed.

Comments: Bids were solicited from four companies and only one response was received.

6,000 gallons of Durham tap water will be processed into 1,550 cases of bottled water.

Opened: August 7, 2002

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Bidders: Water Choice, Inc.
Hillsborough, NC

* \$16,430.00

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	7		# Black Males	1	14%
Total # Females	1	14%	# White Males	5	72%
Total # Males	6	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	14%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

4. Bid: Term contract for Ford OEM Parts

Purpose of Bid: To enter into a two-year firm price agreement for Ford OEM Parts

Comments: Bids were solicited from all area Ford dealers and only on response was received.

Opened: August 8, 2002

Bidders: University Ford North, Inc.
Durham, NC

* \$89,000.00

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	237		# Black Males	36	15%
Total # Females	34	14%	# White Males	165	70%
Total # Males	203	86%	# Other Males	2	1%
			# Black Females	4	1%
			# White Females	29	12%
			# Other Females	1	1%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

5. Bid: One (1) Used Sport Utility Vehicle

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Purpose of Bid: To purchase a Used Sport Utility Vehicle for the Organized Crime Division of the Police Department.

Comments:

Opened: August 7, 2002

Bidders:	Durham Auto Mart	* \$18,086.00
	Durham, NC	
	Morgan Dodge Jeep	\$20,095.59
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	6		# Black Males	1	17%
Total # Females	1	17%	# White Males	4	66%
Total # Males	5	83%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	17%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

6. Bid: Estimated A/R for Glass Spheres

Purpose of Bid: To provide the Transportation/Sign Shop with their annual requirements for glass spheres.

Comments:

Opened: August 8, 2002

Bidders:	Potters Industries	*\$10,560.00
	Valley Forge, PA	
	Crown Technology	\$10,648.00
	Woodbury, GA	
	Swarco Industries	\$11,660.00
	Mexia, TX	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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Total Workforce	286		# Black Males	69	24%
Total # Females	39	14%	# White Males	157	55%
Total # Males	247	86%	# Other Males	21	07%
			# Black Females	02	01%
			# White Females	36	13%
			# Other Females	01	01%

LOCATION OF PERFORMING CONTRACT

Apex, North Carolina

Total Workforce	64		# Black Males	53	83%
Total # Females	04	05%	# White Males	04	06%
Total # Males	60	95%	# Other Males	03	05%
			# Black Females	01	01%
			# White Females	03	05%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

7. Bid: Network Equipment Maintenance Agreement

Purpose of Bid: This is a contract to provide the City with software and hardware support for the Cisco network backbone equipment and management software.

Comments: Bids were solicited from several authorized Cisco dealers and only one response was received.

Opened: August 12, 2002

Bidders: Verizon South, Inc. \$ \$18,148.16
 RTP, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	190,442		# Black Males	12,928	6.79%
Total # Females	83,964	44.09%	# White Males	82,752	43.45%
Total # Males	106,478	55.91%	# Other Males	10,798	5.67%
			# Black Females	21,309	11.19%
			# White Females	54,350	28.54%
			# Other Females	8,305	4.36%

LOCATION OF PERFORMING CONTRACT

RTP, NC

Total Workforce	1,605		# Black Males	135	8.41%
Total # Females	835	52.02%	# White Males	613	38.19%
Total # Males	770	47.98%	# Other Males	22	1.37%
			# Black Females	374	23.30%
			# White Females	454	28.29%
			# Other Females	7	0.44%

The M/WBE Data Base was used in the solicitation of bids for this item.

Purpose of Bid: To provide the 911 System with maintenance for crime and incident reporting.

Opened: N/A

*Awarded based on: Low Bid X Other (See Comments)

Total Workforce	474		# Black Males	15	3.00%
Total # Females	222	46.0%	# White Males	200	42.0%
Total # Males	252	53.0%	# Other Males	37	7.00%
			# Black Females	12	2.00%
			# White Females	191	40.0%
			# Other Females	19	4.00%

Total Workforce	392		# Black Males	11	2.8%
Total # Females	193	49.2%	# White Males	158	40.3%
Total # Males	199	50.8%	# Other Males	30	7.6%
			# Black Females	11	2.8%
			# White Females	166	42.3%
			# Other Females	16	4.0%

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Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

9. Bid: Backup Generator for the Police Headquarters Building

Purpose of Bid: To provide the Police Headquarters Building with backup power capability in case of an emergency.

Comments:

Opened: August 1, 2002

Bidders:	Gregory Poole Equipment Co.	* \$48,525.00
	Raleigh, NC	
	Bryant-Durham Services, Inc.	\$49,525.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	671		# Black Males	43	6.4%
Total # Females	91	13.5%	# White Males	518	77.2%
Total # Males	580	86.5%	# Other Males	19	2.8%
			# Black Females	7	1.0%
			# White Females	83	12.4%
			# Other Females	1	0.1%

LOCATION OF COMPANY PERFORMING CONTRACT
Raleigh, NC

Total Workforce	416		# Black Males	31	7.5%
Total # Females	69	16.6%	# White Males	305	73.3%
Total # Males	347	83.4%	# Other Males	11	2.6%
			# Black Females	7	1.7%
			# White Females	61	14.7%
			# Other Females	1	0.2%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

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SUBJECT: PUBLIC HOUSING AFTER SCHOOL PROGRAM – HOOVER ROAD, CLUB BOULEVARD AND LIBERTY STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt "An Ordinance Amending the 2002-03 City of Durham Budget Ordinance As Amended, the Same Being Ordinance 12575" that increases revenues and appropriations by \$15,000 was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12683

SUBJECT: STOP SIGNS - HOUSE AVENUE, LANDON FARMS LANE, BUFFALO WAY – ARRINGTON PARK DRIVE, WESTLEIGH DRIVE, LANGDON DRIVE, ASHFIELD DRIVE, STARWOOD DRIVE, BRICKSTONE PLACE, GREENWICH PLACE, BUNGALOW AVENUE AND ARTIS LANE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to repeal the following ordinances was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- (a) That portion of Ordinance #2076 (#42), adopted July 16, 1962, authorizing the installation of yield signs on House Avenue at Shoppers Street, southwest and northeast corners; and
- (b) That portion of Ordinance #12425(a), adopted October 15, 2001, authorizing the installation of stop signs on Landon Farms Lane at Buffalo Way, east and west corners.

Ordinance #12684

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- (a) House Avenue at Shoppers Street, southwest and northeast corners;
- (b) Buffalo Way at Landon Farms Lane, north and south corners;
- (c) Arrington Park Drive at Page Road, east corner (Arrington Subdivision);
- (d) Westleigh Drive (Private) at Page Road, southeast corner (Arrington Subdivision);
- (e) Westleigh Drive (Private) at Arrington Park Drive, south corner (Arrington Subdivision);
- (f) Langdon Drive at Comstock Road, south corner (Arrington Subdivision);

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- (g) Langdon Drive at Arrington Park Drive, northwest and southeast corners (Arrington Subdivision);
- (h) Arrington Park Drive at Comstock Road, southeast corner (Arrington Subdivision);
- (i) Ashfield Drive at Paces Ferry Drive, southwest corner (Ashfield Place);
- (j) Starwood Drive at Paces Ferry Drive, southwest corner (Ashfield Place);
- (k) Brickstone Place at Paces Ferry Drive, southwest corner (Ashfield Place);
- (l) Ashfield Drive at Guess Road, northeast corner (Ashfield Place);
- (m) Greenwich Place at Carver Street, southeast corner (Greenwich Oaks);
- (n) Bungalow Avenue at Angier Avenue, north corner (Laurel Glen at the Park); and
- (o) Artis Lane at Bungalow Avenue, southwest corner (Laurel Glen at the Park).

Ordinance #12685

**SUBJECT: SEWER EXTENSION AGREEMENT WITH STEVEN D. BASS
AND HELEN R. BASS – 4310 BENNETT MEMORIAL ROAD**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with Steven D. Bass and Helen R. Bass to serve 4310 Bennett Memorial Road was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT WITH GOODWIN RACING,
INC. - 4306 BENNETT MEMORIAL ROAD**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with Goodwin Racing, Inc. to serve 4306 Bennett Memorial Road was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE – BUCK CROSSING – HOPE VALLEY
FARMS – ELLERBEE STREET**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept certain streets in Buck Crossing, Hope Valley Farms and Ellerbee Street as listed for maintenance by the City of Durham was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Buck Crossing

- 1) **Buck Crossing Drive** – from the east curb line of NC Hwy 751 east to the centerline of Crichton Lane (1,526); and

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- 2) **MacKenzie Court** – from the centerline of Buck Crossing Drive north to the end of construction at STA 3+33.42 (333’); and
- 3) **Mill Haven Court** – from the centerline of Buck Crossing Drive north thru the cul-de-sac (256’); and
- 4) **Huntscroft Court** – from the centerline of Buck Crossing Drive south thru the cul-de-sac (284’); and
- 5) **Crichton Lane** – from the end of previous construction south thru the cul-de-sac (256’)

Hope Valley Farms

- 1) **South Roxboro Street** - from the beginning of construction at STA 150+50 north to the end of construction @ STA 152+16 (166.)

Additional Street

- 1) **Ellerbee Street** – from the centerline of Lindbergh Street each thru the cul-de-sac (393’.)

**SUBJECT: ASSESSMENT ROLL CORRECTION - WALKER STREET -
SEWER MAIN - BERTHA S. ARCHER**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution for the correction of an error on the assessment roll for Sewer Main on Walker Street from the North Property Line of Lot 3, Plat Book 32, Page 122 to the South Property Line of Lot 1, Plat Book 32, Page 122 (grants full relief of the assessment against the rear frontage of the property of Bertha S. Archer) was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ASSESSMENT ROLL CORRECTION - WALKER STREET -
WATER MAIN - BERTHA S. ARCHER**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution for the correction of an error on the assessment roll for Water Main on Walker Street from the North Property Line of Lot 3, Plat Book 32, Page 122 to the South Property Line of Lot 1, Plat Book 32, Page 122 (grants full relief against the rear frontage of the property of Bertha S. Archer) was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM OPEN SPACE AND TRAILS (DOST) COMMISSION
RESOLUTION ON 15-501 NCDOT BRIDGE REPLACEMENT
OVER NEW HOPE CREEK**

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a “Resolution in Support of Adequate Bridge Length for US 15/501 Crossing of New Hope Creek and Trails” was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8926

SUBJECT: ECONOMIC INCENTIVES PUBLIC HEARING – AMERICAN TOBACCO PROJECT

To establish a public hearing for November 18. The hearing is to consider economic incentives for the American Tobacco project.

City Manager Conner requested this item be deferred to the December 2, 2002 City Council Meeting.

SUBJECT: PROPOSED SANITARY SEWER EASEMENT AGREEMENT WITH ARMY CORPS OF ENGINEERS - HUNTINGTON RIDGE OUTFALL - EVERETT JORDAN DAM AND LAKE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute an easement agreement for easement No. DACW21-2-01-5419 for the sanitary sewer outfall across Fee Tracts 1515-1, 1516, and 1517, B. Everett Jordan Dam and Lake was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT WS-77 SEWER MAINS, WATER MAINS, SEWER OUTFALLS, AND PUMP STATION REMOVALS - PARK CONSTRUCTION CORPORATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Park Construction Corporation in the amount of \$1,194,659; and

To authorize the City Manager to establish a contingency fund for the water mains, sewer mains, sewer outfalls and sewer pump station removals of \$420,342; and

To authorize the City Manager to negotiate change order for Contract WS-77 Water Mains, Sewer Mains, Sewer Outfalls and Sewer Pump Station Removal provided that the cost of all change orders does not exceed \$420,342 and the total project cost does not exceed \$1,615,000 was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: MULTI-MODAL TRANSPORTATION CENTER (DURHAM STATION)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation regarding an update on the multi-modal was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PAMELA ROOKS

This was a citizen's matter which was removed by the citizen.

SUBJECT: STREET CLOSING CASE: CARR STREET AND JACKSON STREET - SC 02-9

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to set a public hearing for November 18, 2002, to receive public comment and consider closing Carr Street between Pettigrew Street and Willard Street, and approximately 230.5 linear feet of Jackson Street west of Carr Street was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN - NC 55 CAR WASH (CASE D02-390) - TICON, INC. – SOUTH OF MEREDITH DRIVE AND NC 54 AND WEST OF NC 55 (CONTINUED FROM 10-21-02 COUNCIL MEETING)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a Major Site Plan for a proposed car wash located south of Meredith Drive and NC 54 and west of NC 55 in the Park West Crossing Shopping Center, consisting of a 3,325 square foot, one-story building with two automatic and four self-service bays, parking for 21 motor vehicles and two bicycles on a +/-0.739 acre outparcel, zoned SC(D) and F/J-B(exempt) was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REVIEW OF INTERNAL CONTROLS IN THE PARKING ENFORCEMENT SYSTEM

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the report from the Internal Audit Department regarding their review of internal controls in the parking enforcement system was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: PRIVATE SALE OF UNIMPROVED LAND (CITY TRACT #1986)
TO NEW DIRECTIONS FOR DOWNTOWN, INC.--HOLLOWAY
PLACE PROJECT--PIN #0831-09-26-3670--PARCEL I.D. 129-05-001**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to declare City Tract #1986 surplus; and,

To accept the offer of \$12,000 from New Directions for Downtown, Inc. to purchase City Tract #1986; and

To adopt a resolution authorizing the sale of City Tract #1986 to New Directions for Downtown, Inc. under the authority of G.S. 160A-279 (Private Sale of Real Property to Non-Profit Entities) was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8927

SUBJECT: RESOLUTION MEMORIALIZING STEPHANIE REINHART

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a "Resolution Memorializing Stephanie Reinhart" was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8928

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: BARNES AVENUE

Victoria Peterson raised a concern with the Marshall Group working on the Barnes Avenue project since the bidding process was not followed.

MOTION by Council Member Clement seconded by Council Member Stith to receive an update regarding Barnes Avenue was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DIVISION OF COMMUNITY CORRECTIONS (PROBATION)

Victoria Peterson noted there should be more rehabilitative programs for youth.

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MOTION by Council Member Clement seconded by Council Member Stith to receive a report from James W. Ellis, Jr. of the Division of Community Corrections (Probation) regarding the first Judicial District Manager's Annual Report was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: NEAL FARM ZONING OFF NEAL ROAD ADJACENT TO AMERICAN VILLAGE

To direct the Planning Department to initiate the rezoning of approximately 48 to 53 acres of the Neal Farms property from RM12 to a Low Density Residential in order to make it consistent with the North-Northwest Durham Small Area Plan.

Attorney Kenneth Spaulding, representing developers, commented on the meetings held with the residents, noted citizens have pulled their request for Council to initiate the rezoning and the developers will keep in touch with residents regarding the progress of project.

Dan Milam, representing the residents, noted they would like to withdraw their request to have Council initiate the rezoning on Neal Road.

MOTION by Council Member Clement seconded by Council Member Stith to approve withdrawal of this request was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: AMENDMENTS TO THE COMPENSATION AND CLASSIFICATION PLAN (CONTINUED FROM THE 10-07-02 CITY COUNCIL MEETING)

To amend the City of Durham's Compensation and Classification Plan, adopted July 1, 2002.

Council Member Cole-McFadden expressed a concern about adding new positions/classifications during this budget year.

A motion was made by Council Member Cole-McFadden seconded by Council Member Stith to remove the positions of Director of Employee Relations, Director of Fiscal and Management Services and Chief of Purchasing and Contracts from the new classification plan for further discussion.

A friendly amendment was made by Council Member Stith to discuss this issue at the November 7, 2002 Work Session. Friendly amendment was accepted.

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MOTION by Council Member Cole-McFadden seconded by Council Member Stith to remove the positions of Director of Employee Relations, Director of Fiscal and Management Services and Chief of Purchasing and Contracts from the new classification plan for further discussion at the November 7, 2002 Work Session was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Note: Further discussion was held on this item later in the meeting.

SUBJECT: BUDGET UPDATE

Acting Finance Director Ken Pennoyer gave a summary of capital projects to be funded by debt. (See October 24, 2002 memo)

Council Member Stith made comments about the debt service and City Hall renovations.

City Manager Conner noted the administration will bring back a report on the City's financial analysis for the first quarter at the Work Session on November 21.

MOTION by Council Member Clement seconded by Council Member Stith to receive a report from the Administration regarding the proposed revisions to expenditures and to address projected decrease in property tax revenues in the FY 2002-03 Budget was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER UPDATE

Terry Rolan gave an update on the water supply highlighting that both lakes are full and the City has returned to Stage 1 of the water conservation ordinance effective October 15. Also, he commented on the Jordan Lake allocation, possible transfer of Nello Teer Quarry for use as additional water storage from Hanson Aggregates and the Long Term Water Conservation Strategy.

Fire Chief Cooper noted the temporary ordinance approved June 30, 2002 by Council banning the use of fireworks [pyrotechnics] has been rescinded.

MOTION by Council Member Clement seconded by Council Member Stith to receive a report from the Administration regarding the water supply status and lifting of drought restrictions was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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[GENERAL BUSINESS AGENDA - PUBLIC HEARING]

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2002 - ROSA BELVIN PROPERTY AND ALEXANDER VILLAGE AT BRIER CREEK - BETHESDA VOLUNTEER FIRE DEPARTMENT

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizen comments on public hearings for Rosa Belvin Property and Alexander Village at Brier Creek; and

To adopt ordinances annexing Rosa Belvin Property and Alexander Village at Brier Creek in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002; and

To authorize the manager to pay the debt service of the Lebanon Volunteer Fire Department (VFD) in connection with the Rosa Belvin Property annexation; and

To authorize the manager to modify an existing half-base contract with the Bethesda VFD to provide supplemental fire protection over a five-year period for the Alexander Village at Brier Creek annexation under the same terms and conditions as services are provided to other areas in such contracts was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12686 – 12687

At this time during the meeting, additional action was taken on GBA #37 [Amendments to the Compensation & Classification Plan].

SUBJECT: AMENDMENTS TO THE COMPENSATION AND CLASSIFICATION PLAN *(CONTINUED FROM THE 10-07-02 CITY COUNCIL MEETING)*

To amend the City of Durham's Compensation and Classification Plan, adopted July 1, 2002.

Mayor Bell made comments about the earlier action taken by Council to remove the three positions from the classification plan; however, no action was taken to amend the compensation and classification plan.

A motion was made by Council Member Clement seconded by Council Member Edwards to approve the item as printed on the agenda except for three positions deleted from the plan.

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Because of changes outlined in several memos, Council Member Cole-McFadden spoke in support of holding the entire item until the November 7th Work Session.

SUBSTITUTE MOTION by Council Member Stith seconded by Council Member Cole-McFadden to refer this item to the November 7, 2002 Work Session was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[PUBLIC HEARINGS]

SUBJECT: LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG)

Interim Police Chief Steve Chalmers gave an overview of the Local Law Enforcement Block Grant. He highlighted purpose, how funds will be divided and the recommended spending allocation plan [Project Safe Neighborhood, Cameras, Video and Sound Equipment, Biohazard Equipment (Safety Suits), Automatic External Defibrillators, Partners Against Crime, Crime Prevention and District Attorney Gang Prosecutor]. Also, he urged Council to accept and approve the proposed grant project ordinance if there is no public comment that might alter the proposed allocation of funds.

Council Member Edwards noted the City is not linking together with other organizations to identify the gaps and services to deal with the issue of crime. Also, she spoke in support of rehabilitative services for substance abusers and the issue of community policing.

Council Member Clement asked the Chief how long will the funding be for a prosecutor in the District Attorney's Office and after expiration will the City be expected to carry the program over.

Interim Police Chief Chalmers noted this is a continuation of funding for a two-year period and the District Attorney's Office will be responsible for finding funding after that time.

Mayor Bell asked the Chief does the program have a measure of outcome.

Interim Police Chief Chalmers replied yes.

Mayor Bell opened the public hearing.

Victoria Peterson, of P. O. Box 101, expressed concern on how the funds are being used asking that \$50,000 recommended for the District Attorney Gang Prosecutor be used to hire two assistant psychiatrists to work with men and women going in and out of jails.

Irene Dwinnell, 3815 Tremont Drive, encouraged Council to fund Project Safe Neighborhood.

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Rev. Robert Daniels, of St. James Baptist Church, urged Council to support Project Safe Neighborhood noting it would be an investment in reducing gun violence.

Newman Aguiar, representing PAC 2, urged Council to support the allocation of the LLEBG funds as proposed by the Chief.

Jo Darby, representing W. Triangle Chapter of the Million Mom March, spoke in favor of funding Project Safe Neighborhood.

Rev. Jimmie Hawkins, representing Religious Coalition for a Nonviolent Durham, asked Council to support Project Safe Neighborhood to reduce gun violence.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to hold a public hearing to review the recommendation of the grant fund allocation; and

To adopt the “City of Durham, North Carolina and the US Department of Justice, Bureau of Justice Assistance Local Law Enforcement Block Grant FY 2002/2003 Grant Project Ordinance” was approved at 8:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12682

Police Department’s Recommended Spending Plan

Project Safe Neighborhood	\$153,414
Cameras Video & Sound Equipment	98, 062
Biohazard Equipment (Safety Suits)	6,000
Automatic External Defibrillators	5,000
Partners Against Crime, Crime Prevention	25,000
District Attorney Gang Prosecutor	50,000
TOTAL	\$337,476

**SUBJECT: TEXT AMENDMENT - FALLS LAKE CRITICAL AREA
DEFINITION (TC 132)**

Planning Director Frank Duke briefed Council on the text amendment.

Mayor Bell opened and declared the public hearing closed. No one spoke on this item.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to adopt an ordinance amending the Durham Zoning Ordinance Section 5.5.4, Establishment of the Districts was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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Ordinance #12688

SUBJECT: REZONING MATTER CASE P02-37A - NORTH CAROLINA CENTRAL UNIVERSITY REAL ESTATE FOUNDATION, INC. – 10 PROPERTIES WITHIN THE AREA BOUNDED BY BRANT STREET, FAYETTEVILLE STREET, FORMOSA AVENUE AND CONCORD STREET

To receive public comment on rezoning Case P02-37A; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-37A out of R-5 and placing same in and establishing same as OI-2 (D).

Zoning Committee Recommendation and Vote: Approval - (6-1)

Planning Department Recommendation: Approval

[Note: Invalid Protest Petition filed against rezoning]

Dick Hails, of the Planning Department, briefed Council on the staff report commenting on the use [dormitory - 408 beds], the development plan and the October 22nd Town Meeting. Also, he noted staff's recommendation is for approval.

Council Member Cole-McFadden asked the developer about the traffic impact analysis.

Attorney Kenneth Spaulding reported a traffic impact analysis has been completed, filed with the City and is being reviewed by the state. Also, he noted the analysis is not for tonight but for the larger rezoning because this particular rezoning does not trigger a traffic impact analysis.

Relative to the undersized drainage pipe in Concord Street, Mayor Pro Tempore Cheek asked the administration if the increase in impervious surface from the project is going to make a bad problem worse.

Dick Hails, of the Planning Department, noted that staff would come back with a response.

Council Member Stith noted that he would be abstaining from voting on this item.

Mayor Bell opened the public hearing.

Proponents

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this rezoning request noting proposal is consistent with the small area plan. He noted this rezoning has a development plan and a traffic impact analysis (TIA) has been completed for the larger plan. Also, Attorney Spaulding outlined reasons why this rezoning does not require a TIA, noted issues raised by residents and urged Council to approve this rezoning.

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Chancellor James Ammons, representing NCCU, spoke in favor of rezoning request noting the University needs the residential facility to address the mandate to grow issued by the Board of Governors as well as by the office of the President. Also, he noted the students have suffered in these deplorable conditions too long due to the lack of money.

Warren Mitchell, representing NCCU, reported that the dormitory does increase slightly the storm water running off and going down to Concord Street and noted the size of the pipe will increase with the dormitory.

Victoria Peterson noted she lives on Ridgeway Avenue and hasn't been notified of the proposal; however, she supports this item.

No one spoke in opposition to this rezoning request.

Rebuttal

Attorney Kenneth Spaulding informed Ms. Peterson that she lives more than 300 feet from the property. He noted the applicant has met all requirements for this proposal and urged Council to support this rezoning request.

Mayor Bell declared the public hearing closed.

Mayor Pro Tempore Cheek spoke in support of item; however, he expressed a concern about the impact of traffic on Fayetteville and Lawson Streets.

Mayor Bell requested that a cornerstone be placed at the Hillside High School site.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive public comment on rezoning Case P02-37A; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-37A out of R-5 and placing same in and establishing same as OI-2 (D) was approved at 9:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Abstention: Council Member Stith. Absent: None.

SUBJECT: INITIAL ZONING - FOUSHEE TRACT (CASE P02-39) – 66.36 ACRES ON EAST SIDE OF FARRINGTON ROAD, NORTH OF STAGECOACH ROAD, WEST OF CORPS LANDS

Zoning Committee Recommendation and Vote: Approval - (5-1)
Planning Department Recommendation: Approval

Frank Duke, Planning Director, briefed Council on the staff report.

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Mayor Bell opened and declared the public hearing closed. No one spoke on this item.

MOTION by Council Member Stith seconded by Council Member Edwards to receive public comment on rezoning P02-39; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-39 out of RD (County) and placing same in and establishing same as RD (City) was approved at 9:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: INITIAL ZONING - TRIANGLE PRESBYTERIAN CHURCH OF DURHAM (CASE P02-44) – 8.73 ACRES ON BOTH SIDE OF TUDOR PLACE, SOUTH OF NC 54

Recommendation and Vote: Approval- 5-1)
Planning Department Recommendation: Approval

Frank Duke, Planning Director, briefed Council on the staff report.

Mayor Bell opened and declared the public hearing closed. No one spoke on this item.

MOTION by Council Member Stith seconded by Council Member Edwards to receive public comment on rezoning P02-44; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-44 out of R-20 (County) and placing same in and establishing same as R-20 (City) Zoning Committee was approved at 9:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEM ADDED TO THE AGENDA]

SUBJECT: MARSHALL GROUP, INC. – BARNES AVENUE INITIATIVE

To authorize the City Manager to enter into a contract with the Marshall Group, Inc. [contract amount not to exceed \$30,000] for completion of work on Barnes Avenue.

City Manager Conner made a presentation on this item providing an update on the inconsistencies among financial and general policies. Relative to the Marshall Group contract, she noted city policy was not followed and discussed the option of paying them up to \$10,000 because a RFP was not issued; however, one was issued two weeks ago and will close on November 22. She noted a proposal/recommendation will come to Council at the December 2, 2002 City Council Meeting. Also, she noted to-date the Marshall Group had completed an estimated \$24,000 in work and work still needs to be

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completed on this project. Finally, she asked Council to approve the Marshall contract in an amount not to exceed \$30,000 and noted the administration will provide a report at the Work Session concerning the purchasing process.

Council Member Stith asked the City Manager about the RFP process.

City Manager Conner discussed the process and noted the administration today extended the RFP until November 22, 2002 and for clarification, she noted in order to not have a break in project management, she is recommending to keep the Marshall Group on board until such time.

A motion was made by Council Member Clement seconded by Council Member Edwards to approve the Manager's recommendation.

Council Member Cole-McFadden asked the Manager when did the work begin.

City Manager Conner replied in January.

Mayor Pro Tempore Cheek spoke in favor of the manager's request; however, he raised a concern regarding the process.

Several members of Council spoke in opposition to the manager's recommendation.

Discussion was held on contract and City policy.

Mayor Bell asked the City Manager are there other contracts that might fall in the same category.

City Manager Conner noted the administration would have to do a review and report back at the November 7, 2002 Work Session and noted there are contracts across the City at \$5,000 and above level that did not adhere to the policies.

Mayor Bell noted based on the latest policy [FP503.01—Purchasing and Contracting] dated March 15, 2001--- he asked the City Manager to present a flowchart indicating the scope of project, amount of money spent (source of funds), role of Marshall Group, Inc. and term of contract.

Council Member Best requested the manager to provide the number of consultants currently working without a contract and the reason.

This item will be discussed at the November 7, 2002 City Council Work Session. The administration will provide the following information: 1) Scope of Project; 2) Amount of money spent; 3) Role of Marshall Group, Inc.; and 4) Term of contract.

The administration is being requested to provide information to Council on any additional contracts that might violate City policy beginning March 15, 2001 and any consultants/vendors currently performing work for the City without a contract.

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Council Member Clement withdrew his motion since this item will be discussed at the November 7, 2002 City Council Work Session.

There being no further business to come before the City Council, the meeting was adjourned at 9:59 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk